

Stephanie Gricius proposes the following substitute bill:

Fugitive Dust Mitigation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Derrin R. Owens

LONG TITLE

General Description:

This bill addresses provisions related to fugitive dust mitigation.

Highlighted Provisions:

This bill:

- defines terms;
- allows the Division of Air Quality (division) to impose an aggregate compliance fee up to certain amounts on an aggregate operation;
- authorizes the Air Quality Board to set an aggregate compliance fee amount by board rule beginning on July 1, 2028;
- requires a fugitive dust facility to post informational signage that is clearly visible to the public; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

19-1-105, as last amended by Laws of Utah 2025, Chapter 14

ENACTS:

19-2-130, Utah Code Annotated 1953

19-2a-108, Utah Code Annotated 1953

REPEALS:

19-2a-101, as enacted by Laws of Utah 2018, Chapter 120

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-1-105** is amended to read:

19-1-105 . Divisions of department -- Control by division directors.

(1) The following divisions are created within the department:

(a) the Division of Air Quality, to administer:

(i) Chapter 2, Air Conservation Act; and

(ii) Chapter 2a, Air Quality - Special Provisions;

(b) the Division of Drinking Water, to administer Chapter 4, Safe Drinking Water Act;

(c) the Division of Environmental Response and Remediation, to administer:

(i) Chapter 6, Part 3, Hazardous Substances Mitigation Act; and

(ii) Chapter 6, Part 4, Petroleum Storage Tank Act;

(d) the Division of Waste Management and Radiation Control, to administer:

(i) Chapter 3, Radiation Control Act;

(ii) Chapter 6, Part 1, Solid and Hazardous Waste Act;

(iii) Chapter 6, Part 2, Hazardous Waste Facility Siting Act;

(iv) Chapter 6, Part 5, Solid Waste Management Act;

(v) Chapter 6, Part 6, Lead Acid Battery Disposal;

(vi) Chapter 6, Part 7, Used Oil Management Act;

(vii) Chapter 6, Part 8, Waste Tire Recycling Act;

(viii) Chapter 6, Part 10, Mercury Switch Removal Act;

(ix) Chapter 6, Part 11, Industrial Byproduct Reuse; and

(x) Chapter 6, Part 12, Disposal of Electronic Waste Program; and

(e) the Division of Water Quality, to administer Chapter 5, Water Quality Act.

(2) Each division is under the immediate direction and control of a division director appointed by the executive director.

(3)(a) A division director shall possess the administrative skills and training necessary to perform the duties of division director.

(b) A division director shall hold one of the following degrees from an accredited college or university:

(i) a four-year degree in physical or biological science or engineering;

(ii) a related degree; or

(iii) a degree in law.

(4) The executive director may remove a division director at will.

(5) A division director shall serve as the executive secretary to the policymaking board,

created in Section 19-1-106, that has rulemaking authority over the division director's division.

Section 2. Section **19-2-130** is enacted to read:

19-2-130 . Aggregate compliance fee -- Rulemaking.

(1) As used in this section:

(a)(i) "Aggregate" means rock material, including sand, gravel, stone, and other rock products.

(ii) "Aggregate" does not include:

(A) metalliferous minerals, as that term is described in Section 59-5-201;

(B) mineral salts;

(C) gem stones;

(D) coal and other energy-rich materials; or

(E) frac sand.

(b) "Aggregate operation" means a facility or site:

(i) engaged in a commercial production to extract, crush, screen, grind, store, or transport aggregate; and

(ii) subject to a permitting requirement under Section 19-2-108.

(c) "Board" means the Air Quality Board created in Section 19-2-103.

(d) "Frac sand" means a quartz silica sand that is:

(i) processed to a uniform grain size; and

(ii) sold or used in hydraulic fracturing or a similar oil and gas activity to prop open fractures or fissures in a subsurface rock formation for the extraction of hydrocarbons.

(e)(i) "Mineral salts" means a salt containing a nonmetallic element.

(ii) "Mineral salts" includes chloride compounds, sulfur compounds, potash, gypsum, ammonium nitrate, and phosphate.

(2) Beginning on July 1, 2027, and ending on June 30, 2028, the division may impose an annual aggregate compliance fee on an aggregate operation based on annual air pollutant emissions, in an amount:

(a) for 20 or less tons of annual emissions, not to exceed \$750;

(b) for between 20 and 79 tons of annual emissions, not to exceed \$1,500;

(c) for between 79 and 99 tons of annual emissions, not to exceed \$3,500; and

(d) for 99 or more tons of annual emissions, not to exceed \$4,500.

(3) Beginning on July 1, 2028, the division may impose an annual aggregate compliance

fee on an aggregate operation in accordance with Title 63J, Chapter 1, Budgetary Procedures Act.

- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules to implement the fee described in this section.

Section 3. Section **19-2a-108** is enacted to read:

19-2a-108 . Fugitive dust facility -- Definitions -- Signage requirement.

- (1) As used in this section:

- (a) "Division" means the Division of Air Quality created in Section 19-1-105.
- (b) "Fugitive dust" means particulate matter that becomes airborne from the mechanical disturbance or wind-blown disturbance of a material or surface.
- (c) "Fugitive dust control plan" means a plan that:
 - (i) indicates the methods a fugitive dust facility uses to control and monitor fugitive dust; and
 - (ii) complies with relevant state and federal law for a fugitive dust facility.
- (d)(i) "Fugitive dust facility" means a commercial facility or site:
 - (A) larger than a quarter acre;
 - (B) that produces fugitive dust; and
 - (C) that the division requires to complete a fugitive dust control plan.
- (ii) "Fugitive dust facility" includes:
 - (A) an aggregate operation that extracts, crushes, screens, grinds, stores, or transports rock material, including sand, gravel, stone, and other rock products;
 - (B) an excavation site, including an excavation activity like trenching, grading, drilling, or earthmoving; and
 - (C) a site for topsoil or bulk material handling, including stripping, loading, unloading, moving, or spreading soil, fill, or another bulk material.
- (iii) "Fugitive dust facility" does not include:
 - (A) an agricultural or horticultural operation; and
 - (B) the sanding or salting of a roadway for snow and ice control.

- (2) A fugitive dust facility shall post informational signage:

- (a) at an entryway to the fugitive dust facility that is clearly visible to the public; and
- (b) that includes the following information:
 - (i) the name of the facility or site;
 - (ii) a permit identification number;
 - (iii) a business identification number; and

131 (iv) the contact information for:
132 (A) the facility manager or owner; and
133 (B) the division.
134 Section 4. **Repealer.**
135 This bill repeals:
136 Section **19-2a-101, Title.**
137 Section 5. **Effective Date.**
138 This bill takes effect on May 6, 2026.